



MARYLAND DEPARTMENT OF JUVENILE SERVICES

POLICY & PROCEDURE

SUBJECT: Video Taping of Incidents Policy
NUMBER: RF-05-07 (Residential Facilities)
APPLICABLE TO: Residential Facilities
EFFECTIVE DATE: September 20, 2007

Approved: "/s/signature on original copy"
Donald W. DeVore, Secretary

1. **POLICY.** The Department of Juvenile Services (DJS) employees shall video tape room extractions, escorts to seclusion, use of restraints or other critical incidents that relate to the safety and security of a residential facility. Incidents shall be videotaped unless videotaping of the incident compromises the safety and/or security of youth and/or employees. The Department encourages the video taping of incidents to de-escalate incidents and to prevent further misbehavior and the use of physical restraint. Video taping shall be in accordance with the requirements set forth within this Policy and Procedure.
2. **AUTHORITY.**

Annotated Code of Maryland, Human Services Article § 9-221, 9-227, 9-228 and 9-229.
3. **DEFINITIONS.**
 - a. *Camcorder* means a hand held, portable video recording camera used to visually document any incident.
 - b. *Mechanical Restraint* means any device or material attached or adjacent to the youth's body that restricts freedom of movement or normal access to any portion of the youth's body and that the youth cannot easily remove.
 - c. *Room Extraction* means forcible removal of a youth from a room due to persistent resistance.
 - d. *Seclusion* means the placement of a youth in a locked individual room where the youth is kept for a period of time. Seclusion does not include placement of a youth in a locked room during the facility's designated sleeping hours.
 - e. *Physical Restraint* means a non-mechanical behavior management technique involving the use of a physical hold as a means of restricting a youth's freedom of movement.
4. **PROCEDURES.**
 - a. **Use of Camcorders or Video Taping Equipment.** Camcorders will only be used by designated facility employees for the purposes of recording:
 - (1) Room extractions or escorts to seclusion.

- (2) Incidents of physical and mechanical restraint.
- (3) The behavior of a youth or a group of youth that is a threat to the safety and security of youth, employees and others.
- (4) Any substantial destruction of property by a youth or a group of youth.
- (5) Youth movement as designated by the Facility Administrator or designee.
- (6) Any event that may represent a clear and present danger to employees, youth or the safety of the facility.

b. Procedure for Use and Storage of Camcorder/Video Taping Equipment.

- (1) The Facility Administrator shall develop written Facility Operating Procedures (FOP) for storage of video taping equipment that ensures:
 - (i) The equipment is stored in a secure or locked location that is easily accessible,
 - (ii) Designated managers on each shift have the key to the locked storage,
 - (iii) The camcorder's battery is charged and extra batteries are workable and available,
 - (iv) Adequate number of unused tapes are available for use; and
 - (v) An inventory is maintained by date and incident number that accounts for all video taping equipment and tapes of incidents.
- (2) The Shift Commander shall designate at least one employee in each unit per shift to operate and maintain the camcorder or video taping equipment.
- (3) Employees video taping any event should narrate action being taken during the event including: name of youth involved, name of employee(s) involved, name of Shift Commander, and nature of the incident or event.
- (4) The video recording must commence as quickly as possible upon the start of an incident and shall continue without interruption or disruption until the event or incident is resolved, including securing of the youth in a room, or securing of the unit, area or facility.
- (5) Upon completion of video taping an event, the employee using the camcorder shall:
 - (i) Document the event in the unit's logbook.
 - (ii) Notify the Command Control Center of the end of the event.
 - (iii) Complete an incident report or written statement detailing the incident just recorded.
 - (iv) Remove the video tape and label the video tape with the name of the facility, date and time of the event, and the unit or location of

the event. The video tape shall be numbered to reflect the Incident Reporting Number generated from the Incident Reporting Form. A ***Chain of Custody Form (Appendix 1)*** shall be completed and affixed to each videotape.

- (v) Immediately turn the event video tape over to the Facility Administrator or designee for further disposition.

- (6) The Office of Investigations and Audits (OIA) shall randomly spot check the functionality of video surveillance cameras utilized in DJS facilities. OIA shall be responsible for securing any video surveillance tape that can be used as evidence during an investigation.
- (7) Any tape that is the subject of an investigation, referral for prosecution, criminal procedures, civil lawsuit or requested by counsel for authorized reasons, shall be surrendered to the requesting authority in accordance with instructions from the Office of the Attorney General.
- (8) All recorded video tapes shall be stored in a locked location in or near the Facility Administrator's office.
- (9) The Facility Administrator shall review all video tapes and as appropriate make them available for training related to daily operations.

c. Documentation.

- (1) Each facility shall maintain an Incident Reporting Log which provides the date, time, location and signature of the employee storing and removing camcorder tapes.
- (2) The Command Control Center shall document the event in the Command Control Center log book.
- (3) In the event an incident is not videotaped, the staff involved in the incident shall include in their written report of the incident the reason or justification that the incident was not video taped.

d. Exceptions to using Camcorders or Video Taping Equipment.

- (1) When the immediacy of the incident does not allow for employees to obtain the camera.
- (2) When the immediate environment of the incident is unsafe for the operation of the camera.

5. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded - **RF-03-05 (Video Taping of Incidents)**
- b. Directives Referenced - **None.**

6. **LOCAL IMPLEMENTING PROCEDURES REQUIRED.** **Yes**

7. **FAILURE TO COMPLY.**

Failure to comply with a Secretary's Policy and Procedure shall be grounds for disciplinary action up to and including termination of employment.

Appendices – 1

Chain of Custody Form

**DEPARTMENT OF JUVENILE SERVICES
CHAIN OF CUSTODY FORM**

Division/Program: _____

Type of Evidence: _____

Surrendered By: _____
(Printed Name of Person) (Date)

(Signature)

Initially Surrendered To: _____
(Name)

(Title)

Time of Surrender: _____ Date of Surrender: _____

DJS Incident Report Number _____

Explain in detail what was transferred from custody to custody (be specific & detailed, ex: Gold Rolex Watch, Brown Rawhide Wallet monogrammed with initials H.Q., etc.)

Note: Attach any supporting documentation generated (Behavior Report, Investigative Report, Intake Form, Etc.)

Surrendered By:		Received By:	
_____ (Signature)	_____ (Date)	_____ (Signature)	_____ (Date)
_____ (Title)	_____ (Time)	_____ (Title)	_____ (Time)

Surrendered By:		Received By:	
_____ (Signature)	_____ (Date)	_____ (Signature)	_____ (Date)
_____ (Title)	_____ (Time)	_____ (Title)	_____ (Time)

Surrendered By:		Received By:	
_____ (Signature)	_____ (Date)	_____ (Signature)	_____ (Date)
_____ (Title)	_____ (Time)	_____ (Title)	_____ (Time)



MARYLAND DEPARTMENT OF JUVENILE SERVICES EMPLOYEE STATEMENT OF RECEIPT POLICY AND PROCEDURE

SUBJECT: Video Taping of Incidents Policy
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EFFECTIVE DATE: September 20, 2007

I have received one copy (electronic or paper) of the Policy and/or Procedure as titled above. I acknowledge that I have read and understand the document, and agree to comply with it.

SIGNATURE

PRINTED NAME

DATE

(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR FOR FILING WITH PERSONNEL, AS APPROPRIATE.)